

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

GRACIELA BAYLON GONZALES

PLAINTIFF

VS.

CIVIL NO. 3:20-CV-536-TSL-RPM

OVERNIGHT PARTS ALLIANCE, LLC,
ET AL.,

DEFENDANTS

ORDER

This cause is before the court on the July 8, 2022 report and recommendation of Magistrate Judge Robert P. Myers, Jr. in which he recommended granting in part and denying in part plaintiff Amy Lugo's second motion to enforce settlement agreement [Dkt. 117]. Neither party has filed an objection, and the time for doing so has expired. Having considered the report and recommendation, together with the record in this case, and having concluded the report and recommendation is neither clearly erroneous nor contrary to law, the court will adopt the report and recommendation as its own opinion.

Accordingly, it is ordered that the July 8, 2022 report and recommendation is adopted as the opinion of the court and therefore, it is ordered that plaintiff's second motion to enforce settlement agreement is granted to the extent it seeks to strike Paragraphs 1.5 and 1.6 from the proposed formal agreement and denied to the extent it seeks to strike Paragraph 1.7, which the court finds and concludes is not inconsistent with the indemnity

provision of the parties' Settlement Agreement, as interpreted by the court. It is further ordered that the parties shall have fourteen days from the date of this order to consummate the settlement. Absent the parties' requesting additional time to effectuate settlement, the court will enter a final judgment of dismissal with prejudice. Lastly, it is ordered that plaintiff Amy Lugo's motion to enforce settlement [Dkt. 109] is denied as moot.

SO ORDERED this 25th day of July 2022.

/s/ Tom S. Lee .
UNITED STATES DISTRICT JUDGE